

AGENDA
Plans and Programs Policy Committee

April 16, 2008, 1:00 p.m.

SANBAG Offices
1170 W. 3rd Street, 2nd Fl.
San Bernardino, CA 92410

Plans and Programs Committee Membership

Chair

Mark Nuaimi, Mayor
City of Fontana

Vice Chair

Paul Eaton, Mayor
City of Montclair

East Valley Representatives

Bea Cortes, Council Member
City of Grand Terrace

Mountain/Desert Representatives

Bill Jahn, Mayor Pro Tem
Big Bear Lake

Richard Riddell, Mayor
City of Yucaipa

Rick Roelle, Mayor
Town of Apple Valley

Larry McCallon, Council Member
City of Highland

Chad Mayes, Council Member
Town of Yucca Valley

West Valley Representatives

Diane Williams, Mayor Pro Tem
Rancho Cucamonga

San Bernardino County
Brad Mitzelfelt, Supervisor

Paul Biane, Supervisor

Dennis Hansberger, Supervisor

Josie Gonzalez, Supervisor

Gary Ovitt, Supervisor

San Bernardino Associated Governments (SANBAG) is a council of governments formed in 1973 by joint powers agreement of the cities and the County of San Bernardino. SANBAG is governed by a Board of Directors consisting of a mayor or designated council member from each of the twenty-four cities in San Bernardino County and the five members of the San Bernardino County Board of Supervisors.

In addition to SANBAG, the composition of the SANBAG Board of Directors also serves as the governing board for several separate legal entities listed below:

The San Bernardino County Transportation Commission, which is responsible for short and long range transportation planning within San Bernardino County, including coordination and approval of all public mass transit service, approval of all capital development projects for public transit and highway projects, and determination of staging and scheduling of construction relative to all transportation improvement projects in the Transportation Improvement Program.

The San Bernardino County Transportation Authority, which is responsible for administration of the voter-approved half-cent transportation transactions and use tax levied in the County of San Bernardino.

The Service Authority for Freeway Emergencies, which is responsible for the administration and operation of a motorist aid system of call boxes on State freeways and highways within San Bernardino County.

The Congestion Management Agency, which analyzes the performance level of the regional transportation system in a manner which ensures consideration of the impacts from new development and promotes air quality through implementation of strategies in the adopted air quality plans.

As a Subregional Planning Agency, SANBAG represents the San Bernardino County subregion and assists the Southern California Association of Governments in carrying out its functions as the metropolitan planning organization. SANBAG performs studies and develops consensus relative to regional growth forecasts, regional transportation plans, and mobile source components of the air quality plans.

Items which appear on the monthly Board of Directors agenda are subjects of one or more of the listed legal authorities. For ease of understanding and timeliness, the agenda items for all of these entities are consolidated on one agenda. Documents contained in the agenda package are clearly marked with the appropriate legal entity.

San Bernardino Associated Governments
County Transportation Commission
County Transportation Authority
Service Authority for Freeway Emergencies
County Congestion Management Agency

Plans and Programs Policy Committee
April 16, 2008
1:00 p.m.

LOCATION:
San Bernardino Associated Governments
1170 W. 3rd Street, 2nd Floor, San Bernardino
The Super Chief

CALL TO ORDER - 1:00 p.m.
(Meeting chaired by Mayor Mark Nuaimi)

- I. Attendance
- II. Announcements
- III. Agenda Notices/Modifications

1. Possible Conflict of Interest Issues for the SANBAG Plans and Programs Meeting of April 16, 2008 Pg. 7

Note agenda item contractors, subcontractors and agents which may require member abstentions due to conflict of interest and financial interests. Member abstentions shall be stated and recorded on the appropriate item in the minute summary for each month.

Consent Calendar

Consent Calendar items shall be adopted by a single vote unless removed by Board member request. Items pulled from the consent calendar will be brought up at the end of the agenda.

2. Plans and Programs Attendance Roster Pg. 8

A quorum shall consist of a majority of the membership of each SANBAG Policy Committee, except that all County Representatives shall be counted as one for the purpose of establishing a quorum.

Notes/Action

Discussion Calendar

Regional Quality of Life Programs

3. Additional Financial Commitment to the Environmental Justice and Community Outreach Study Pg. 10

- 1) Approve an additional \$2,000 contribution to the Environmental Justice and Community Outreach Study
- 2) Approve an amendment to the FY 2007/2008 budget, increasing Task No. 11108000 by \$2,000 **Ryan Graham**

4. Amendment to Contract No. 07-001 with Professional Communications Network (PCN) for call answering center (CAC) services. Pg. 12

Approve Amendment No. 1 to Contract No. 07-001 with PCN, to exercise the option to extend the contract for one year through June 30, 2009. **Marla Modell**

This item will be reviewed by the Plans and Program Committee on April 16, 2008. SAFE Counsel has approved this contract as to form.

5. Amendment No. 4 to a reimbursement contract with the Riverside County Transportation Commission (RCTC) for call answering center (CAC) services. Pg. 18

This is an amendment to an existing Contract. In February 2002, the San Bernardino and Riverside Service Authority for Freeway Emergencies' (SAFE) began to jointly operate a private CAC through a San Bernardino SAFE contract with Professional Communications Network (PCN). Since that time, PCN has responded to over 313,000 call box calls and has provided an outstanding level of service to motorists traveling within these counties. The contract with PCN expires on June 30, 2009. **Marla Modell**

This item will be reviewed by the Plans and Program Committee on April 16, 2008. SAFE Counsel has approved this contract as to form.

Regional Quality of Life Programs Cont...**6. Public Interest Finding Regarding Congestion Mitigation and Air Quality Funding (CMAQ) Pg. 24**

Find that it is in the public's best interest for the San Bernardino Associated Governments (SANBAG) to utilize CMAQ funds for rideshare outreach and implementation services, internally and through other public agency agreements through a force account, rather than going out to bid for these services, for all future and as well as existing CMAQ obligations, including, but not limited to Obligation No. CML 6053 (065) and Obligation No. CML 6053 (071). **Michelle Kirkhoff**

This item will be reviewed by the Plans and Programs Committee on April 16, 2008, and has been reviewed by Legal Counsel.

Subregional Transportation, Planning & Programming Program**7. Measure I 2010-2040 Valley Freeway Interchange and Major Street Project Advancement Program Pg. 26**

Approve revision to the template for Project Advancement Agreements for reimbursement of eligible Measure I 2010-2040 Valley Freeway Interchange and Valley Major Street Project Program project expenditures to include expenses incurred prior to execution of the agreement. **Andrea Zureick**

8. Status of Measure I 2010-2040 Strategic Plan Development and Issue Resolution Pg. 35

Receive information on schedule for completion of the Measure I 2010-2040 Strategic Plan and status of issues to be resolved. **Steve Smith**

9. Nexus Study Update and Cost Escalation Pg. 43

- 1) Direct staff to prepare an update of the Development Mitigation Nexus Study for approval of the SANBAG Board by November 2008.
- 2) Direct staff to update the cost estimates for freeway interchanges in the Nexus Study and Measure I 2010-2040 Interchange program.
- 3) Allow local jurisdictions to select one of two options for complying with Congestion Management Program (CMP) cost escalation requirements for arterial roadways and railroad grade separations in the Nexus Study:
 - a) Implement a 12.9% cost escalation based the rolling 5-Year average of the Caltrans Construction Cost Items Index, or
 - b) Update project cost estimates based on a detailed project-by-project review of individual cost elements and provide the documentation to SANBAG for review and incorporation into the Nexus Study as the basis for escalation. **Ryan Graham**

Transportation Programming and Fund Administration Program

10. Amendment to Contribution Agreement with the California Department of Transportation (Caltrans) to provide Congestion Mitigation and Air Quality (CMAQ) Funding Pg. 47

Approve Amendment 1 to Contract No. 06-032 with Caltrans to extend the termination date of the agreement to contribute CMAQ funds for the Installation of Fiber Optic Communications Lines (FOC), Changeable Message Signs (CMS), Vehicle Detection Stations (VDS), Closed Circuit Television Cameras (CCTV), Ramp Metering Systems (RMS), and Ramp Widening along Interstate 10 (I-10). **Andrea Zureick**

Public Comments

Items under this heading will be referred to staff for further study, research, completion and/or future actions.

11. Additional Items from Committee Members
12. Brief Comments by General Public
13. Acronym List

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ADJOURNMENT

Complete packages of this agenda are available for public review at the SANBAG offices. Staff reports for items may be made available upon request. For additional information call (909) 884-8276 and ask for Joanne Cook.

**The next Plans and Programs Meeting
is May 21, 2008.**

Meeting Procedures and Rules of Conduct

Meeting Procedures

The Ralph M. Brown Act is the state law which guarantees the public's right to attend and participate in meetings of local legislative bodies. These rules have been adopted by the Board of Directors in accordance with the Brown Act, Government Code 54950 et seq., and shall apply at all meetings of the Board of Directors and Policy Committees.

Accessibility

The SANBAG meeting facility is accessible to persons with disabilities. If assistive listening devices or other auxiliary aids or services are needed in order to participate in the public meeting, requests should be made through the Clerk of the Board at least three (3) business days prior to the Board meeting. The Clerk's telephone number is (909) 884-8276 and office is located at 1170 W. 3rd Street, 2nd Floor, San Bernardino, CA.

Agendas – All agendas are posted at 1170 W. 3rd Street, 2nd Floor, San Bernardino at least 72 hours in advance of the meeting, Staff reports related to agenda items may be reviewed at the SANBAG offices located at 1170 W. 3rd Street, 2nd Floor, San Bernardino and our website: www.sanbag.ca.gov.

Agenda Actions – Items listed on both the "Consent Calendar" and "Items for Discussion" contain suggested actions. The Board of Directors will generally consider items in the order listed on the agenda. However, items may be considered in any order. New agenda items can be added and action taken by two-thirds vote of the Board of Directors.

Closed Session Agenda Items – Consideration of closed session items *excludes* members of the public. These items include issues related to personnel, pending litigation, labor negotiations and real estate negotiations. Prior to each closed session, the Chair will announce the subject matter of the closed session. If action is taken in closed session, the Chair may report the action to the public at the conclusion of the closed session.

Public Testimony on an Item – Members of the public are afforded an opportunity to speak on any listed item. Individuals wishing to address the Board of Directors or Policy Committee Members should complete a "Request to Speak" form, provided at the rear of the meeting room, and present it to the Clerk prior to the Board's consideration of the item. A "Request to Speak" form must be completed for *each* item an individual wishes to speak on. When recognized by the Chair, speakers should be prepared to step forward and announce their name and address for the record. In the interest of facilitating the business of the Board, speakers are limited to three (3) minutes on each item. Additionally, a twelve (12) minute limitation is established for the total amount of time any one individual may address the Board at any one meeting. The Chair or a majority of the Board may establish a different time limit as appropriate, and parties to agenda items shall not be subject to the time limitations.

The Consent Calendar is considered a single item, thus the three (3) minute rule applies. Consent Calendar items can be pulled at Board member request and will be brought up individually at the specified time in the agenda allowing further public comment on those items.

Agenda Times – The Board is concerned that discussion take place in a timely and efficient manner. Agendas may be prepared with estimated times for categorical areas and certain topics to be discussed. These times may vary according to the length of presentation and amount of resulting discussion on agenda items.

Public Comment – At the end of the agenda, an opportunity is also provided for members of the public to speak on any subject within the Board's authority. *Matters raised under "Public Comment" may not be acted upon at that meeting. "Public Testimony on any Item" still apply.*

Disruptive Conduct – If any meeting of the Board is willfully disrupted by a person or by a group of persons so as to render the orderly conduct of the meeting impossible, the Chair may recess the meeting or order the person, group or groups of person willfully disrupting the meeting to leave the meeting or to be removed from the meeting. Disruptive conduct includes addressing the Board without first being recognized, not addressing the subject before the Board, repetitiously addressing the same subject, failing to relinquish the podium when requested to do so, or otherwise preventing the Board from conducting its meeting in an orderly manner. *Please be aware that a NO SMOKING policy has been established for meetings. Your cooperation is appreciated!*

**SANBAG General Practices for Conducting Meetings
of
Board of Directors and Policy Committees**

Basic Agenda Item Discussion.

- The Chair announces the agenda item number and states the subject.
- The Chair calls upon the appropriate staff member or Board Member to report on the item.
- The Chair asks members of the Board/Committee if they have any questions or comments on the item. General discussion ensues.
- The Chair calls for public comment based on "Request to Speak" forms which may be submitted.
- Following public comment, the Chair announces that public comment is closed and asks if there is any further discussion by members of the Board/Committee.
- The Chair calls for a motion from members of the Board/Committee.
- Upon a motion, the Chair announces the name of the member who makes the motion. Motions require a second by a member of the Board/Committee. Upon a second, the Chair announces the name of the Member who made the second, and the vote is taken.

The Vote as specified in the SANBAG Bylaws.

- Each member of the Board of Directors shall have one vote. In the absence of the official representative, the alternate shall be entitled to vote. (Board of Directors only.)
- Voting may be either by voice or roll call vote. A roll call vote shall be conducted upon the demand of five official representatives present, or at the discretion of the presiding officer.

Amendment or Substitute Motion.

- Occasionally a Board Member offers a substitute motion before the vote on a previous motion. In instances where there is a motion and a second, the maker of the original motion is asked if he would like to amend his motion to include the substitution or withdraw the motion on the floor. If the maker of the original motion does not want to amend or withdraw, the substitute motion is not addressed until after a vote on the first motion.
- Occasionally, a motion dies for lack of a second.

Call for the Question.

- At times, a member of the Board/Committee may "Call for the Question."
- Upon a "Call for the Question," the Chair may order that the debate stop or may allow for limited further comment to provide clarity on the proceedings.
- Alternatively and at the Chair's discretion, the Chair may call for a vote of the Board/Committee to determine whether or not debate is stopped.
- The Chair re-states the motion before the Board/Committee and calls for the vote on the item.

The Chair.

- At all times, meetings are conducted in accordance with the Chair's direction.
- These general practices provide guidelines for orderly conduct.
- From time-to-time circumstances require deviation from general practice.
- Deviation from general practice is at the discretion of the Board/Committee Chair.

Courtesy and Decorum.

- These general practices provide for business of the Board/Committee to be conducted efficiently, fairly and with full participation.
- It is the responsibility of the Chair and Members to maintain common courtesy and decorum.

Minute Action

AGENDA ITEM: 1

Date: April 16, 2008

Subject: Information Relative to Possible Conflict of Interest

Recommendation*: Note agenda items and contractors/subcontractors which may require member abstentions due to possible conflicts of interest.

Background: In accordance with California Government Code 84308, members of the Board of Directors may not participate in any action concerning a contract where they have received a campaign contribution of more than \$250 in the prior twelve months from an entity or individual. This agenda contains recommendations for action relative to the following contractors:

Item No.	Contract No.	Contractor/Agents	Subcontractors
4	07-001	Professional Communications Network Jeff White, President	N/A

Financial Impact: This item has no direct impact on the 2007/2008 Budget.

Reviewed By: This item is prepared monthly for review by the Board of Directors and policy committee members.

Responsibility Staff: Ty Schuiling, Director of Planning and Programming

Approved
Plans and Programs Committee

Date: April 16, 2008

Moved:

Second:

In Favor:

Opposed:

Abstained:

Witnessed: _____

AGENDA ITEM: 2

PLANS & PROGRAMS POLICY COMMITTEE ATTENDANCE RECORD - 2007

Name	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
Richard Riddell City of Yucaipa	X			X	Cancelled	X	Cancelled	X	X	X	X	X
Bea Cortes City of Grand Terrace	X	X	X	X	Cancelled		Cancelled	X	X	X		X
Larry McCallon City of Highland	X	X	X	X	Cancelled		Cancelled	X	X	X		X
Paul Eaton Chair City of Montclair		X	X	X	Cancelled	X	Cancelled	X	X	X		X
Mark Nuaini City of Fontana	X	X	X	X	Cancelled	X	Cancelled	X		X	X	X
Diane Williams City of Rancho Cucamonga	X	X	X	X	Cancelled	X	Cancelled	X	X	X	X	X
Kevin Cole City of Twentynine Palms	X			X	Cancelled	X	Cancelled					
Bill Jahn Big Bear Lake												X
Rick Roelle Town of Apple Valley	X	X	X	X	Cancelled		Cancelled		X	X	X	
Chad Mayes Town of Yucca Valley		X	X	X	Cancelled		Cancelled	X	X			X
Gary Ovitt Board of Supervisors	X		X	X	Cancelled		Cancelled	X	X	X		X
Josie Gonzales Board of Supervisors	X			X	Cancelled	X	Cancelled	X		X		
Dennis Hansberger Board of Supervisors	X			X	Cancelled	X	Cancelled	X	X	X	X	X
Paul Biane Board of Supervisors	X		X	X	Cancelled	X	Cancelled	X	X			X
Brad Mitselfelt Board of Supervisors	X		X		Cancelled	X	Cancelled			X		X

X = Member attended meeting. * = Alternate member attended meeting. Empty box = Member did not attend meeting. Crossed out box = Not a member at the time.

AGENDA ITEM: 2

PLANS & PROGRAMS POLICY COMMITTEE ATTENDANCE RECORD - 2008

Name	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
Richard Riddell City of Yucaipa	X	X	X									
Bea Cortes City of Grand Terrace	X	X	X									
Larry McCallon City of Highland	X		X									
Paul Eaton Chair City of Montclair	X	X	X									
Mark Nuaimi City of Fontana	X		X									
Diane Williams City of Rancho Cucamonga	X	X	X									
Bill Jahn Big Bear Lake	X	X										
Rick Roelle Town of Apple Valley	X	X	X									
Chad Mayes Town of Yucca Valley												
Gary Ovitt Board of Supervisors	X											
Josie Gonzales Board of Supervisors	X		X									
Dennis Hansberger Board of Supervisors	X		X									
Paul Biane Board of Supervisors	X		X									
Brad Mitzelelt Board of Supervisors	X		X									

X = Member attended meeting. * = Alternate member attended meeting. Empty box = Member did not attend meeting. Crossed out box = Not a member at the time.

Minute Action

AGENDA ITEM: 3

Date: April 16, 2008

Subject: Additional Financial Commitment to the Environmental Justice and Community Outreach Study

Recommendation:*

- 1) Approve an additional \$2,000 contribution to the Environmental Justice and Community Outreach Study
- 2) Approve an amendment to the FY 2007/2008 budget, increasing Task No. 11108000 by \$2,000

Background: SANBAG staff is participating at both technical and management levels in the development of a Multi-County Goods Movement Action Plan (Action Plan) for Southern California. The Action Plan will ultimately reflect regional agreement on a phased strategy to maintain mobility for freight movement to, from, and within Southern California, and also will determine how best to minimize the impacts of freight movement on local communities, the existing transportation system, and the environment.

As a follow-on effort of the Multi-County Goods Movement Action Plan, Caltrans awarded the Riverside County Transportation Commission (RCTC) an Environmental Justice Context Sensitive Planning Grant to identify potential solutions to the community impacts of goods movement in greater depth than otherwise would be possible with the funding available in the Action Plan. The grant is being used to establish a framework for addressing environmental justice

*

Approved
Plans and Programs Policy Committee

Date: _____

Moved:

Second:

In Favor:

Opposed:

Abstained:

Witnessed: _____

issues as they relate to the impact of goods movement projects on sensitive communities throughout a five county study area in Southern California and will supplement the efforts of the Action Plan.

RCTC is the lead agency for the project and is administering the consultant contract. When SANBAG's participation in the project was approved by the Board, four of the agencies participating in the study, the Los Angeles Metropolitan Transportation Authority (LA MTA), Orange County Transportation Agency (OCTA), RCTC, and SANBAG were planning to contribute \$6,000 each toward the study for the purposes of providing the local match for the Caltrans Environmental Justice Grant. SANBAG's contribution to the project was approved by the Board at the April 2007 Board of Directors Meeting.

Subsequent to the Board approval of SANBAG's financial contribution to the project, OCTA has opted out of the study. The reason cited by OCTA for opting out of the project is that targeting less-represented groups is inequitable, since equivalent outreach is not occurring to communities that are not viewed to be disadvantaged. It should be pointed out that input on the project will be accepted from any interested party, but the project is focusing on communities most directly impacted by goods movement, and these often tend to be economically disadvantaged communities by nature of their location. The departure of OCTA from the environmental justice goods movement project has resulted in a loss of \$6,000 that was intended to be OCTA's contribution to the local match required for the project. Each of the three agencies—LAMTA, RCTC and SANBAG—are being asked to provide an additional \$2,000 contribution to make up for the loss of the OCTA contribution to the project.

With OCTA's departure from the study, Orange County will no longer be included in the environmental justice goods movement study. The consultant resources that were previously identified for work that would have occurred in Orange County are being redirected to augment the efforts underway in Los Angeles, Riverside, San Bernardino and Ventura Counties. The additional resources will be targeted at extra mapping and the final environmental justice goods movement guidebook.

Financial Impact: The FY 2008/2009 budget, TN 11108000, will be increased by \$2,000 in Traffic Management and Environmental Enhancement funds for this project. All staff activities are consistent with the adopted budget, TN 11108000.

Reviewed By: This item will be reviewed by the Plans and Programs Committee on April 16, 2008.

Responsible Staff: Ryan Graham, Transportation Planning Analyst

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 4

Date: April 16, 2008

Subject: Amendment to Contract No. 07-001 with Professional Communications Network (PCN) for call answering center (CAC) services.

Recommendation:* Approve Amendment No. 1 to Contract No. 07-001 with PCN, to exercise the option to extend the contract for one year through June 30, 2009.

Background: This is an amendment to an existing Agreement. In February 2002, the San Bernardino and Riverside Service Authority for Freeway Emergencies' (SAFE) began to jointly operate a private CAC through a San Bernardino SAFE contract with PCN. Since that time, the CAC has responded to over 313,000 call box calls in the two counties, and has provided an outstanding level of service to motorists traveling within these counties.

In December 2005, the Board directed Staff to negotiate a sole source contract with PCN, to continue the Inland Empire call box CAC services. San Bernardino SAFE is the lead on this contract, and receives reimbursement from the Riverside SAFE for their share of these services. The Board approved this direction because PCN is uniquely qualified to continue these services given the multi-county nature of these services and given the SAFE partnership. Because of this relationship, PCN is able to quickly enhance/expand these services to include other motorist aid products and services. In addition, a competitive process was conducted by the Orange County Transportation Authority (OCTA) in 2004 for

Approved

Plans and Programs Committee

Date: _____

Moved:

Second:

In Favor:

Opposed:

Abstained:

Witnessed: _____

Plans and Programs Committee Agenda Item

April 16, 2008

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identical services, and PCN was the successful bidder to provide those services. By taking this approach, the SAFE can continue to take advantage of enhancements made and paid for by OCTA, and continue the continuity of excellent services provided to the motoring public, all at a low cost. The current contract between the San Bernardino SAFE (on behalf of the Riverside SAFE) with PCN ends on June 30, 2008 with the authority to exercise two one-year options. The contract term is identical to the OCTA contract term with PCN. Attached is the scope of work as well as the cost and price proposal for the two year period. To summarize, it is anticipated that for FY 2008/2009 the total call box calls taken will be approximately 22,040 calls and the contract costs will not exceed \$94,000.00. Note that the Riverside SAFE will reimburse the San Bernardino SAFE for approximately 32% of all costs incurred through the PCN contract.

Financial Impact: This contract has no impact to the current FY 2007/2008 Budget. Because funds exist in the current contract to cover expenses in the next fiscal year (FY 2008/2009) this amendment is a no-cost amendment and only extends the contract period. Task Number 70207000 revenue source Department of Motor Vehicle Fees.

Reviewed By: This item will be reviewed by the Plans and Program Committee on April 16, 2008. SAFE Counsel has approved this contract as to form.

Responsible Staff: Marla Modell, Air Quality/Mobility Specialist
Michelle Kirkhoff, Director of Air Quality/Mobility Programs

SANBAG Contract No. 07-001-01

by and between

SAN BERNARDINO SERVICE AUTHORITY FOR FREEWAY EMERGENCIES (SAFE)

and

PROFESSIONAL COMMUNICATIONS NETWORK (PCN)

for

San Bernardino & Riverside County Call Boxes Call Answering Center Services**FOR ACCOUNTING PURPOSES ONLY**

<input checked="" type="checkbox"/> Payable	Vendor Contract # <u>07-001</u>	Retention:	<input type="checkbox"/> Original
<input type="checkbox"/> Receivable	Vendor ID <u>PCN</u>	<input type="checkbox"/> Yes ____ % x No	<input checked="" type="checkbox"/> Amendment

Notes:

Original Contract:	\$ 330,413	Previous Amendments Total:	\$ <u>0.00</u>
Contingency Amount:	\$ ____	Previous Amendments Contingency Total:	\$ <u>0.00</u>
		Current Amendment:	\$ <u>0.00</u>
		Current Amendment Contingency:	\$ <u>0.00</u>

Contingency Amount requires specific authorization by Task Manager prior to release.

Contract TOTAL → \$ 330,413

↓ Please include funding allocation for the original contract or the amendment.

Task	Cost Code	Funding Sources	Grant ID	Amounts
<u>70209000</u>	<u>5577</u>	<u>SAFE Registration Fees</u>	<u>0960</u>	\$ <u>94,000</u>
_____	_____	_____	_____	\$ _____
_____	_____	_____	_____	\$ _____
_____	_____	_____	_____	\$ _____

Original Board Approved Contract Date: <u>5/3/06</u>	Contract Start: <u>7/1/06</u>	Contract End: <u>6/30/08</u>
New Amend. Approval (Board) Date: <u>5/7/08</u>	Amend. Start: <u>7/1/08</u>	Amend. End: <u>6/30/09</u>

If this is a multi-year contract/amendment, please allocate budget authority among approved budget authority and future fiscal year(s)-unbudgeted obligations:

Approved Budget Authority →	Fiscal Year: <u>08/09</u> \$ <u>94,000</u>	Future Fiscal Year(s) – Unbudgeted Obligation →	\$ <u>18,000</u>
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Is this consistent with the adopted budget? ☒ Yes ☐ No
If yes, which Task includes budget authority? _____
If no, has the budget amendment been submitted? ☐ Yes ☐ No

CONTRACT MANAGEMENT

Please mark an "X" next to all that apply:

☐ Intergovernmental ☒ Private ☐ Non-Local ☐ Local ☐ Partly LocalDisadvantaged Business Enterprise: X No ☐ Yes ____ %Task Manager: Michelle KirkhofContract Manager: Marla Modell

Task Manager Signature

Date

Contract Manager Signature

Date

Chief Financial Officer Signature

Date

Amendment No. 1 to Contract No. 07-001

By and Between

SAN BERNARDINO SERVICE AUTHORITY FOR FREEWAY EMERGENCIES

And

PROFESSIONAL COMMUNICATIONS NETWORK

For

**CALLBOX ANSWERING CENTER SERVICES FOR SAN BERNARDINO AND
RIVERSIDE COUNTIES**

WHEREAS, the San Bernardino Service Authority for Freeway Emergencies, hereinafter referred to as "SAFE" and Professional Communications Network, LP and referred to herein as "CONTRACTOR", a California Limited Partnership, have previously entered into a contract effective July 1, 2006, wherein SAFE engaged CONTRACTOR to provide communication for motorist aid purposes using call answering center services (herein referred to as "CAC") of the type provided by CONTRACTOR for San Bernardino and Riverside County call boxes; which contract is hereinafter referred to as the "Contract"; and,

WHEREAS, SAFE and CONTRACTOR desire to amend the Contract to extend the Contract for one additional year for CONTRACTOR to perform the agreed upon work;

NOW THEREFORE, SAFE, and CONTRACTOR agree to amend the Contract as follows:

1. SECTION 3.2 Term. The first sentence of the first paragraph is amended to read as follows:

The term of this Contract shall be shall be from July 1, 2006 to June 30, 2009, unless earlier terminated as provided herein.
2. Delete Exhibit B provided in the original Contract and replaced with the Exhibit B attached to this Amendment.
3. All other portions of this Contract shall remain in full force and effect and are incorporated herein by this reference.

IN WITNESS WHEREOF, the authorized parties have below signed and executed this Amendment to the Contract, and shall be effective on the date set forth above.

**SAN BERNARDINO SERVICE AUTHORITY
FOR FREEWAY EMERGENCIES**

**PROFESSIONAL COMMUNICATIONS
NETWORK, LP**

Lawrence E. Dale, President
REVIEWED AND RECOMMENDED FOR
APPROVAL

Jeff White, Vice President

Deborah Robinson-Barmack, Executive
Director

APPROVED AS TO LEGAL FORM FOR
SAFE

Jean-Rene Basle, SAFE Counsel

Cost and Price Analysis Form for Contract 07-001 Amendment to FY 2008/2009

FY 08/09**On-going Expenses:**

\$66,530

For all incoming calls and tilt alarm calls, telephone operators, supervisors, materials, Amtelco eCreator/Infinity contract, generator upkeep, outbound phone expenses, insurance, T 1 circuit and profit. Language translation services, communication connections between the CAC Contractor and the remote message terminal locations, one time programming and computer hardware/software maintenance and component replacement. Estimated call volume: 22,040 Calls.

Other Work:

\$27,470

Funds have been included for additional work, as an example but not limited to, related to the CAC contractor developing and implementing a program to receive calls from mobile phone users, for non emergency motorist assistance on the call box highway network. The CAC contractor shall obtain prior written approval from SAFE prior to incurring these types of expenses. Prior to any expenses incurred, a scope of work and budget will be developed and approved by both CAC contractor and SAFE.

Total CAC Contractor Amount for FY 2008/2009:

\$94,000

	SANBAG	RCTC	Total
On-going Expenses	\$ 49,897	\$ 16,633	\$ 66,530
Other Work	\$ 13,735	\$ 13,735	\$ 27,470
Total	\$ 63,632	\$30,368	\$94,000

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 5

Date: April 16, 2008

Subject: Amendment No. 4 to a reimbursement contract with the Riverside County Transportation Commission (RCTC) for call answering center (CAC) services.

Recommendation:* **This is an amendment to an existing Contract.** In February 2002, the San Bernardino and Riverside Service Authority for Freeway Emergencies' (SAFE) began to jointly operate a private CAC through a San Bernardino SAFE contract with Professional Communications Network (PCN). Since that time, PCN has responded to over 313,000 call box calls and has provided an outstanding level of service to motorists traveling within these counties. The contract with PCN expires on June 30, 2009.

Background: In December 2005, the Board directed staff to negotiate a sole source agreement with PCN, to continue those services for two more years, with two one-year option terms, where the first of the one-year options will be exercised. Pending Plans and Programs' Committee and Board approval of the amended PCN contract, attached is an amendment to the RCTC Contract to extend their revenue agreement as well, for the same term as the PCN contract (the first of the one-year options will be obligated). RCTC's reimbursement of their share of CAC costs is based on actual costs incurred by PCN.

Based on the anticipated call volume, the anticipated costs incurred by PCN for FY 2008/2009 are to be \$94,000.00. Therefore, total costs for the new PCN

*

Approved
Plans and Programs Committee

Date: _____

Moved:

Second:

In Favor:

Opposed:

Abstained:

Witnessed: _____

contract would not exceed \$94,000.00. RCTC's share is projected to be approximately 32%, or \$30,368.00 of the total costs.

Financial Impact: Because funds exist in the current contract to cover expenses in FY 2008/2009; this amendment is a no-cost amendment and only extending the contract period. The revenue resulting from this contract has been incorporated into the FY 2008/2009 Budget. Task Number 70207000.

Reviewed By: This item will be reviewed by the Plans and Program Committee on April 16, 2008. SAFE Counsel has approved this contract as to form.

Responsible Staff: Marla Modell, Air Quality/Mobility Specialist
Michelle Kirkhoff, Director of Air Quality/Mobility Programs

SANBAG Contract No. 02-006-04

by and between

SAN BERNARDINO SERVICE AUTHORITY FOR FREEWAY EMERGENCIES (SAFE)

and

RIVERSIDE COUNTY TRANSPORTATION COMMISSION

for

Call Box Call Answering Center Services to the San Bernardino & Riverside County Call Boxes**FOR ACCOUNTING PURPOSES ONLY**

<input type="checkbox"/> Payable	Vendor Contract # <u>02-006</u>	Retention:	<input type="checkbox"/> Original
<input checked="" type="checkbox"/> Receivable	Vendor ID <u>RCTC</u>	<input type="checkbox"/> Yes ____ % x No	<input checked="" type="checkbox"/> Amendment

Notes:

Original Contract:	\$ 359,251	Previous Amendments Total:	\$ <u>234,165</u>
Contingency Amount:	\$ ____	Previous Amendments Contingency Total:	\$ <u>593,416</u>
		Current Amendment:	\$ <u>0.00</u>
		Current Amendment Contingency:	\$ <u>0.00</u>

Contingency Amount requires specific authorization by Task Manager prior to release.

Contract TOTAL → \$ 593,416

↓ Please include funding allocation for the original contract or the amendment.

Task	Cost Code	Funding Sources	Grant ID	Amounts
<u>70209000</u>	<u>5577</u>	<u>RCTC Reimbursement</u>	<u>0960</u>	\$ <u>30,368</u>
_____	_____	_____	_____	\$ _____
_____	_____	_____	_____	\$ _____
_____	_____	_____	_____	\$ _____

Original Board Approved Contract Date: <u>6/6/07</u>	Contract Start: <u>7/2/01</u>	Contract End: <u>6/30/06</u>
New Amend. Approval (Board) Date: <u>5/7/08</u>	Amend. Start: <u>7/1/08</u>	Amend. End: <u>6/30/09</u>

If this is a multi-year contract/amendment, please allocate budget authority among approved budget authority and future fiscal year(s)-unbudgeted obligations:

Approved Budget Authority →	Fiscal Year: <u>08/09</u> \$ <u>30,368</u>	Future Fiscal Year(s) – Unbudgeted Obligation →	\$ <u>16,632</u>
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Is this consistent with the adopted budget? ☒ Yes ☐ No

If yes, which Task includes budget authority? _____

If no, has the budget amendment been submitted? ☐ Yes ☐ No**CONTRACT MANAGEMENT****Please mark an "X" next to all that apply:**☒ Intergovernmental ☐ Private ☐ Non-Local ☐ Local ☐ Partly LocalDisadvantaged Business Enterprise: ☒ No ☐ Yes ____ %Task Manager: Michelle KirkhoffContract Manager: Maria Modell

Task Manager Signature

Date

Contract Manager Signature

Date

Chief Financial Officer Signature

Date

Amendment No. 4 To Cooperative Agreement No. 02-006

By and Between

SAN BERNARDINO SERVICE AUTHORITY FOR FREEWAY EMERGENCIES

And

RIVERSIDE COUNTY TRANSPORTATION COMMISSION

For

**CALL ANSWERING CENTER SERVICES TO SAN BERNARDINO AND
RIVERSIDE COUNTY CALL BOXES**

WHEREAS, the San Bernardino Service Authority for Freeway Emergencies, hereinafter referred to as "SAN BERNARDINO SAFE" and Riverside County Transportation Commission, herein referred to as "RCTC", have previously entered into an Agreement effective July 1, 2001, hereinafter referred to as AGREEMENT;

WHEREAS RCTC has agreed to reimburse the SAN BERNARDINO SAFE for services under the AGREEMENT, whereby SAN BERNARDINO SAFE has engaged a Contractor to provide call answering center (herein referred to as "CAC") services for San Bernardino and Riverside County call boxes, as set forth in the SAN BERNARDINO SAFE Agreement No. 07-001, hereinafter referred to as the "Primary Agreement"; and,

WHEREAS, SAN BERNARDINO SAFE and RCTC desire to amend the AGREEMENT to extend the AGREEMENT for one additional year with one-year option remaining, for Contractor to perform the agreed upon work;

NOW THEREFORE, SAN BERNARDINO SAFE and RCTC agree to amend the AGREEMENT as follows:

1. SECTION 3. TERMS, first paragraph is amended to read as follows:

This Agreement shall commence upon July 1, 2001 and shall continue in full force and effect through June 30, 2009 unless earlier terminated as provided in this Agreement.

2. ARTICLE 5. PAYMENT. For services provided in Fiscal Year 2008/2009, Exhibit E "Cost and Price Analysis Form for Contract 07-001" shall be added, which is attached and by this reference, incorporated in and made a part of this Agreement.

3. All other portions of this Agreement which are not altered by this amendment, shall remain in full force and effect and are incorporated herein by this reference.

IN WITNESS WHEREOF, the authorized parties have below signed and executed this Amendment to the Agreement, and shall be effective on the date set forth above.

SAN BERNARDINO SERVICE AUTHORITY
FOR FREEWAY EMERGENCIES

RIVERSIDE COUNTY TRANSPORTATION
COMMISSION

Lawrence E. Dale, President

Jeff Stone, Chairman

REVIEWED AND RECOMMENDED FOR
APPROVAL

Deborah Robinson-Barmack, Executive
Director

APPROVED AS TO LEGAL FORM FOR
SAFE

APPROVED AS TO LEGAL FORM FOR
RCTC

Jean-Rene Basle, SAFE Counsel

Steve DeBaun, RCTC Counsel

Cost and Price Analysis Form for Contract 07-001 Amendment to FY 2008/2009

FY 08/09**On-going Expenses:**

\$66,530

For all incoming calls and tilt alarm calls, telephone operators, supervisors, materials, Amtelco eCreator/Infinity contract, generator upkeep, outbound phone expenses, insurance, T 1 circuit and profit. Language translation services, communication connections between the CAC Contractor and the remote message terminal locations, one time programming and computer hardware/software maintenance and component replacement. Estimated call volume: 22,040 Calls.

Other Work:

\$27,470

Funds have been included for additional work, as an example but not limited to, related to the CAC contractor developing and implementing a program to receive calls from mobile phone users, for non emergency motorist assistance on the call box highway network. The CAC contractor shall obtain prior written approval from SAFE prior to incurring these types of expenses. Prior to any expenses incurred, a scope of work and budget will be developed and approved by both CAC contractor and SAFE.

\$94,000

Total CAC Contractor Amount for FY 2008/09:

	SANBAG	RCTC	Total
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Other Work	\$ 13,735	\$ 13,735	\$ 27,470
Total	\$ 63,632	\$30,368	\$94,000

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 6

Date: April 16, 2008

Subject: Public Interest Finding Regarding Congestion Mitigation and Air Quality Funding (CMAQ).

Recommendation:* Find that it is in the public's best interest for the San Bernardino Associated Governments (SANBAG) to utilize CMAQ funds for rideshare outreach and implementation services, internally and through other public agency agreements through a force account, rather than going out to bid for these services, for all future and as well as existing CMAQ obligations, including, but not limited to Obligation No. CML 6053 (065) and Obligation No. CML 6053 (071).

Background: SANBAG has funded its rideshare outreach and implementation services utilizing Federal funding sources, since program inception. Because this program is an important component of the Regional Transportation Implementation Program (RTIP) as a Transportation Control Measure (TCM) and the fact that many of the Inland Empire residents work and live between Riverside and San Bernardino county, it has always been in the best interest of the public to operate a bi-county rideshare program. SANBAG funds its share of this program utilizing CMAQ and Measure I funding, and executes an agreement with the Riverside County Transportation Commission each year as to how those funds will be expended. The balance of the funding is expended primarily by SANBAG staff for additional outreach and program assistance.

The program's goals and objectives as well as exact funding and contracting mechanisms are contained each year in the annual Budget, which also is included

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Approved
Plans and Programs Committee

Date: _____

Moved:

Second:

In Favor:

Opposed:

Abstained:

Witnessed: _____

in the public hearing conducted each year prior to Budget adoption. Because SANBAG implements this program internally and through a bi-county public agency partnership, SANBAG is able to reduce costs, provide program efficiencies, maintain program consistency from year to year, as well as maintain a strong outreach program to Inland Empire commuters. The Federal and local matching funds allocated to this program go much farther than if implemented through a competitive contracting mechanism.

Therefore, based on this finding, Staff requests that the CMAQ funding for the specific upcoming grant (CML 6053 (065)) as well as all future CMAQ funds, be placed in a force account for SANBAG to expend internally and through other public agency agreements.

Financial Impact: Funds for the rideshare outreach and implementation program have been budgeted in the Fiscal Year (FY) 2007/2008 Budget, Task Number 40608000, utilizing 88.53% CMAQ and 11.47% Measure I Transportation Management and Environmental Enhancement Mitigation Funding.

Reviewed By: This item will be reviewed by the Plans and Programs Committee on April 16, 2008, and has been reviewed by Legal Counsel.

Responsible Staff: Marla Modell, Air Quality/Mobility Specialist
Lisa Poe, Senior Programming Analyst

Minute Action

AGENDA ITEM: 7

Date: April 16, 2008

Subject: Measure I 2010-2040 Valley Freeway Interchange and Major Street Project Advancement Program

Recommendation:* Approve revision to the template for Project Advancement Agreements for reimbursement of eligible Measure I 2010-2040 Valley Freeway Interchange and Valley Major Street Project Program project expenditures to include expenses incurred prior to execution of the agreement.

Background: This item requests approval of a revision to the agreement template to be used when approving Project Advancement Agreements for future reimbursement of Measure I 2010-2040 Valley Freeway Interchange Program or Valley Major Street Project Program funds to include expenses incurred prior to execution of the agreement. This follows action by the SANBAG Board in February 2008 to expand the eligibility of the Measure I 2010-2040 Project Advancement Program to include all projects identified in the SANBAG Nexus Study regardless of construction schedule, up to 40% of the total value of the public share of each program (Interchange and Major Streets) for each jurisdiction as calculated in the Nexus Study.

Following the passage of Measure I 2010-2040 in November 2004, several member agencies indicated an interest in advancing shelf-ready or near-shelf-ready freeway interchange or overcrossing projects consistent with the new Expenditure Plan. After several months of consideration, a strategy to advance SANBAG Nexus Study interchange, arterial, and grade separation projects to

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Approved
Plans and Programs Policy Committee

Date: April 16, 2008

Moved: Second:

In Favor: Opposed: Abstained:

Witnessed: _____

construction prior to 2010 was approved by the SANBAG Board in December 2005. Since that time, the Board has approved advancement agreements in the Valley for three interchanges totaling \$29 million, fifteen arterials totaling \$56 million, and one grade separation totaling \$14 million.

One eligibility criterion of the original project advancement policy was that the project must be ready to begin construction by January 1, 2008; that date has since been extended to January 1, 2009 for several projects. In addition, the repayment schedule was to be determined as part of development of the Measure I 2010-2040 Strategic Plan. It was recognized that a decision to proceed with an advancement program with a pre-determined reimbursement schedule could negatively impact interjurisdictional equity and bond capacity and could foreclose Strategic Plan options otherwise available to the Board of Directors, such as "front-loading". The only condition of repayment that was defined in the policy is that no more than 40 percent of the Measure I revenue dedicated to either the interchange or major streets program would be available for repayment of these agreements each year until the advancements were reimbursed.

While this program was originally intended for projects that were near construction, it had come to the attention of SANBAG staff that agencies were proceeding with project development activities for Nexus Study projects, without Project Advancement Agreements, with the expectation of receiving either reimbursement or credit for these expenditures when the Measure I 2010-2040 revenue begins to flow. Recognizing that if these costs are included in the Nexus Study project cost, they should be eligible for reimbursement, in February 2008 the Board approved a modification to the advancement policy to include all Nexus Study projects, regardless of construction schedule, up to 40% of the total value of the public share of each program (Interchange and Major Streets) for each jurisdiction as calculated in the Nexus Study.

Staff has revised the terms of the current Project Advancement Agreement to develop a template that will include projects that have incurred expenses without execution of an agreement with the following recommended changes:

- Remove reference to a prescribed construction start date.
- Replace requirement that "SANBAG will not reimburse CITY for expenditures that occur prior to the date of execution of the agreement" with requirement that "SANBAG will not reimburse CITY for expenditures that occur prior to the date of adoption of the SANBAG Nexus Study in November 2005 or prior to the date of adoption of a

SANBAG CMP-compliant Development Mitigation Program by CITY
that includes PROJECT, whichever is later.”

It should also be noted that the SANBAG Board has made financial commitments to several interchange and grade separation projects that have been approved for funding by the California Transportation Commission from the Trade Corridors Improvement Fund (TCIF). At the time these projects were prioritized by the Board for nomination for funding, it was noted that completion of these projects will require Measure I 2010-2040 funds as well as possible loans of SANBAG funds for the required development contribution for these projects. Because of these circumstances, the TCIF projects will likely be considered outside of the project advancement agreement framework. The exact nature of the TCIF agreements and funding packages will be discussed in Measure I 2010-2040 policy and bonding strategy discussions in the coming months.

Financial Impact: This item has no impact on the approved Fiscal Year 2007-2008 Budget.
TN 61008000

Reviewed By: This item will be reviewed by the Plans and Programs Policy Committee on
April 16, 2008.

Responsible Staff: Andrea Zureick, Chief of Programming
Ty Schuiling, Director of Planning and Programming

**COOPERATIVE AGREEMENT NO. C08xxx
BETWEEN**

SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY

AND

FOR

THIS AGREEMENT is made and entered into this ____ day of _____ by and between the San Bernardino County Transportation Authority (hereinafter referred to as "SANBAG") and the _____ (hereinafter referred to as "CITY").

WITNESSETH

WHEREAS, the SANBAG Nexus Study and the Measure I 2010-2040 Expenditure Plan identified freeway interchange, major street, and railroad grade separation projects eligible for partial funding from Measure I 2010-2040 revenues; and

WHEREAS, CITY has begun development of _____ (hereinafter referred to as the "PROJECT"); and

WHEREAS, SANBAG has determined that this PROJECT is defined within the SANBAG Nexus Study within the urban areas of the county or the Measure I 2010-2040 Expenditure Plan within the non-urban areas of the county; and

WHEREAS, since revenue from Measure I 2010-2040 will not be available until 2010 or later, CITY desires to use its own local (non-SANBAG) funds for the PROJECT; and

WHEREAS, SANBAG and CITY are entering into this Agreement that will allow CITY to use funds not contributed or allocated by SANBAG to implement the PROJECT with the understanding that SANBAG will reimburse CITY for eligible PROJECT expenditures at a later date with Measure I 2010-2040 revenue and in accordance with the reimbursement schedule established in the Measure I 2010-2040 Strategic Plan.

NOW, THEREFORE, SANBAG and CITY agree to the following:

SECTION I

SANBAG AGREES:

1. To reimburse CITY for those eligible PROJECT expenses that are incurred by CITY for the PROJECT-specific work activities, as set forth in Attachment A to this Agreement. Said reimbursement amount shall not exceed the percentage of actual cost as set forth in the SANBAG Nexus Study, up to \$ _____. The SANBAG Nexus Study states an actual cost of \$ _____. In the event that the project cost is lower, the reimbursement percentage shall apply. In this event, the reimbursement shall be calculated as follows:
 - a. Subtract \$ _____ in (INSERT FED/STATE FUND TYPE HERE) funds from the actual cost, as documented following the procedures outlined in SECTION II below
 - b. Multiply the result by the reimbursement percentage (____%, from the SANBAG Development Mitigation Nexus Study, 2005)

In the event that all or a portion of the Federal/State funds identified above are not available for application to this project, the reimbursement amount (INSERT SHALL OR SHALL NOT HERE) be recalculated to reflect the change in federal transportation funding. In the event that additional Federal/State funds are applied to this project (in addition to the grant listed above) the reimbursement amount shall be recalculated to reflect the change in Federal/State transportation funding.

These calculations are based on the principles contained in Chapter 4, Section 4B of the 2007 Congestion Management Program (CMP) prepared by the San Bernardino County Congestion Management Agency (CMA), adopted by the CMA in November, 2007. The two pertinent principles are:

- Federal or state appropriations from transportation sources for specific projects will reduce the project costs, not just reduce the required developer mitigation. The percentage share of the remaining project costs allocated to development and other sources will remain the same.
 - Funds generated by local jurisdictions from non-transportation sources (federal, state or other) will be eligible for credit against local fair-share development contributions. In addition, SANBAG may permit the use of transportation dollars (federal or state appropriations) as a credit against local fair-share development contributions on an exception basis, when the local jurisdiction shows that such transportation dollars are net “new” dollars to the regional transportation system.
2. To reimburse CITY, subject to Article 1 of this Section I, in accordance with the reimbursement terms set forth in the Measure I 2010-2040 Strategic Plan and after CITY submits to SANBAG an original and two copies of the signed invoices in

the proper form covering those actual allowable PROJECT expenditures that were incurred by CITY.

3. When conducting an audit of the costs claimed under the provisions of this Agreement, to rely to the maximum extent possible on any prior audit of CITY performed pursuant to the provisions of state and federal laws. In the absence of such an audit, work of other auditors will be relied upon to the extent that work is acceptable to SANBAG when planning and conducting additional audits.

SECTION II

CITY AGREES:

1. Subject to Article 1 of Section I, that only eligible PROJECT-specific work activities, as set forth in Attachment A to this Agreement, which are for transportation purposes that conform to the SANBAG Nexus Study and/or the Measure I 2010-2040 Expenditure Plan, will be eligible for future Measure I 2010-2040 reimbursement. CITY agrees that for work it will later claim reimbursement hereunder, it will only undertake eligible PROJECT-specific work activities.
2. To abide by all State and, if applicable, federal policies and procedures pertaining to the PROJECT.
3. After completion of the PROJECT, to prepare and submit to SANBAG an original and two copies of signed invoices for subsequent reimbursement of those eligible PROJECT expenses. CITY further agrees and understands that SANBAG will not reimburse CITY for a) any PROJECT expenditures that are not described in the PROJECT-specific work activities and/or b) any PROJECT expenditures that occur prior to the date of adoption of the SANBAG Nexus Study in November 2005 or prior to the date of adoption of a SANBAG CMP-compliant Development Mitigation Program by CITY that includes PROJECT, whichever is later.
4. If Measure I 2010-2040 reimbursement funds are received by CITY, to repay to SANBAG any costs that are determined by subsequent audit to be unallowable within thirty (30) days of CITY receiving notice of audit findings. Should CITY fail to reimburse moneys due SANBAG within (30) days of demand, or within such other period as may be agreed between both parties hereto, SANBAG reserves the right to withhold future payments due CITY from any source under SANBAG's control.
5. To maintain all source documents, books and records connected with its performance under this Agreement for a minimum of five (5) years from the date of the Final Report of Expenditures submittal to SANBAG or until audit

resolution is achieved and to make all such supporting information available for inspection and audit by representatives of SANBAG. Copies will be made and furnished by CITY upon request, but in no case less than five (5) years from the date of final reimbursement payment, if said reimbursement occurs under this Agreement.

6. To establish and maintain an accounting system conforming to Generally Accepted Accounting Principles (GAAP) to support CITY request for reimbursement, payment vouchers, or invoices which segregate and accumulate costs of PROJECT work elements and produce monthly reports which clearly identify reimbursable costs, matching fund costs, and other allowable expenditures by CITY.
7. To prepare a Final Report of Expenditures, including a final invoice reporting the actual eligible PROJECT costs expended for those activities described in the work activities, and to submit that Report and invoice no later than 60 days following the completion of those expenditures. The Final Report of Expenditures, three copies of which report shall be submitted to SANBAG, must state that these PROJECT funds were used in conformance this Agreement and for those PROJECT- specific work activities described.
8. To have a PROJECT-specific audit completed by SANBAG upon completion of the PROJECT. The audit must state that all funds expended on the PROJECT were used in conformance with this Agreement.
9. CITY agrees that PROJECT reimbursement schedule will be determined as part of the Measure I 2010-2040 Strategic Plan.
10. CITY agrees to post signs on ends of PROJECT noting that PROJECT is funded with Measure I funds. Signs shall bear the logos of San Bernardino Associated Governments and _____.

SECTION III

IT IS MUTUALLY AGREED:

1. SANBAG's financial responsibility shall not exceed \$_____ (as adjusted based on the availability of Federal/State transportation funding as described in SECTION I) or the amount based on actual cost as derived in SECTION I, whichever is less.
2. Eligible PROJECT reimbursements shall include only those costs incurred by CITY for PROJECT-specific work activities that are described in this Agreement and shall not include escalation, interest, or other fees.

3. SANBAG shall have no responsibility to reimburse any otherwise allowable PROJECT expenditures until a date to be determined by the Measure I 2010-2040 Strategic Plan, nor will SANBAG reimburse CITY those said expenditures unless and until such time as a) sufficient Measure I 2010-2040 revenue exists to fund those eligible PROJECT reimbursements and b) CITY has satisfied any and all other necessary PROJECT requirements including the submission of all required invoices and Reports.
4. Once reimbursement is initiated in accordance with a schedule determined through the Measure I 2010-2040 Strategic Plan, total reimbursements to all eligible advanced projects shall not exceed 40 percent of the revenues allocated to the program categories from which the projects will be funded. Reimbursement shall be provided in proportion to the share of total reimbursable cost represented by each project. Reimbursement in full for eligible costs shall be completed no later than receipt of final revenues generated by Measure I 2010-2040.
5. In the event CITY fails to complete the PROJECT commenced under this Agreement, fails to perform any of the obligations created by this Agreement, or fails to comply with applicable state and, if applicable, federal laws and regulations, SANBAG reserves the right to terminate this Agreement and any subsequent funding for the PROJECT or a portion thereof upon written notice to CITY. CITY may only be reimbursed for those eligible PROJECT expenditures that occur prior to the date of termination when successfully completed as provided for pursuant to this Agreement. An audit may be performed as provided in Section II, Article (8) of this Agreement.
6. Neither SANBAG nor any officer or employee thereof is responsible for any injury, damage or liability occurring or arising by reason of anything done or omitted to be done by CITY under or in connection with any work, authority or jurisdiction delegated to CITY under this Agreement. It is understood and agreed that, pursuant to Government Code Section 895.4, CITY shall fully defend, indemnify and save harmless SANBAG, its officers and employees from all claims, suits or actions of every name, kind and description brought for or on account of injury (as defined by Government Code Section 810.8) occurring by reason of anything done or omitted to be done by CITY under or in connection with any work, authority or jurisdiction delegated to CITY under this Agreement.
7. This Agreement will be considered terminated upon reimbursement of eligible costs by SANBAG.

San Bernardino County

Transportation Authority

By: _____
Lawrence E. Dale
President, SANBAG Board of
Directors

Date: _____

APPROVED AS TO FORM AND
PROCEDURE:

By: _____
Jean-Rene Basle
SANBAG County Counsel

Date: _____

By: _____

Date: _____

APPROVED AS TO FORM AND
PROCEDURE:

By: _____

Date: _____

Minute Action

AGENDA ITEM: 8

Date: April 16, 2008

Subject: Status of Measure I 2010-2040 Strategic Plan Development and Issue Resolution

Recommendation:* Receive information on schedule for completion of the Measure I 2010-2040 Strategic Plan and status of issues to be resolved

Background: The Strategic Plan for Measure I 2010-2040 is being prepared as a basis for establishing the policies and procedures to be used by the SANBAG Board of Directors in administering the programs delineated in the half-cent sales tax Measure approved by voters in November 2004. Although the ordinance does not take effect until April 2010, a substantial effort is needed to prepare for the administration of those funds. The importance of defining these policies is becoming increasingly apparent as the Board is being requested to make current decisions that could affect the allocation of Measure 2010-2040 revenues as they begin to flow. Questions are also being raised as to the need for and prudence of borrowing against this future revenue stream to accelerate project delivery. This agenda item reviews the status of the development of the Strategic Plan, provides a schedule showing the activities that will need to be completed, and provides an assessment of the issues that need to be resolved as part of the Strategic Plan.

An initial Strategic Plan completion target date of June 2008 was included in materials that were to have been presented at the Strategic Plan workshops scheduled for August 2007. However, the workshops were cancelled, and substantive discussions on the Strategic Plan were not re-initiated until early 2008. Staff has been required to focus substantial attention on the Proposition 1B bond programs and the State Transportation Improvement Program during this time as well. SANBAG staff has recently updated and expanded the Strategic

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Approved
Plans and Programs Committee

Date: _____

Moved:

Second:

In Favor:

Opposed:

Abstained:

Witnessed: _____

Plan schedule, as shown in Attachment 1. The schedule indicates the committee meeting at which specific information is to be presented, the direction that will be necessary from the committee for the Strategic Plan to stay on schedule, and the SANBAG staff activity that will be required to support the committee activity. The committees are color-coded to make it easier to follow the activities of individual committees.

Staff believes that it will be important to have the final Strategic Plan approved by the SANBAG Board approximately one year prior to the actual flow of Measure I 2010-2040 dollars (i.e. by April 2009) so that there is time to put the procedures, staff resources, and systems in place that will allow for proper management and administration of these dollars. It is important that this lead time be available given that the structure of Measure I 2010-2040 is more complex than the current Measure. There are more program elements in the new Measure, and the expenditure plan allocates more of the funding to non-freeway facilities in the Valley and to regional projects in the Victor Valley.

As can be seen from the schedule, a substantial amount of work must be accomplished between now and April 2009, and no time for slippage has been built into the schedule. Staff now projects that a draft Strategic Plan could be available for review by the Board in November 2008. The November 2008 target assumes that there are no protracted discussions over particular policy issues. Multiple opportunities will be provided for committee review and comment on proposed policies. Review opportunities include: the development of draft policies in August, further discussion of those policies in September, and recommendation for approval in October. These will then be incorporated into the Draft Strategic Plan to be reviewed by all the committees in November. A Board workshop is shown scheduled for January 2009, at which time the Draft Strategic Plan would be discussed. This would set the stage for preparation of the final Strategic Plan, final committee review, and an April Board approval. It should be noted that from August 2008 through March 2009, each committee can be expected to have the Strategic Plan agendaized at each of its meetings, with the exception of December and January, and a Board workshop is envisioned in January.

Staff has also made an assessment of the Strategic Plan issues that have been resolved and the issues that remain to be resolved for the Strategic Plan to be completed. A current list of issues is shown in Attachment 2. The attachment should be considered a "working list" that will be modified and updated as progress is made. A potential issue resolution date is also identified for issues

that are currently unresolved. Most of the issues will need to be resolved by November 2008 when the Board is scheduled to approve the Strategic Plan policies. Committee resolution of many of the Valley Freeway and Valley Major Street program is needed earlier, at least at the conceptual level, so that these programs can be further developed.

Some of the issues are subarea or program specific, but a number of the issues apply across subareas and programs. For example, the potential need to borrow against future Measure I revenues exists for most programs, and borrowing policy will be a major overall issue that the Strategic Plan needs to resolve. A borrowing strategy needs to be established based on an understanding of projected revenue and expenditure streams. A presentation of cash flow issues for the Valley was made to the Major Projects Committee in March, and cash flow issues can be addressed in other subareas as needed. For the Valley programs, staff is proceeding on an analysis of cash flow scenarios. The analysis will begin by assessing the implications of a pay-as-you-go policy on the delivery of Valley projects as well as a policy that makes maximum use of SANBAG's bonding capacity. Results of these initial cash flow scenarios for the Valley programs will be presented at the Major Projects Committee in May 2008. Additional scenarios will also be developed and analyzed subsequent to this initial analysis.

- Financial Impact:*** This item is consistent with the approved Fiscal Year 2007-2008 SANBAG Budget. TN60908000
- Reviewed By:*** This item will be reviewed by the Plans and Programs Committee on April 16, 2008.
- Responsible Staff:*** Steve Smith, Chief of Planning
Ty Schuiling, Director of Planning and Programming

ATTACHMENT 1
STRATEGIC PLAN SCHEDULE
(as of April 9, 2008)

Note: Only policy meetings are shown. Strategic Plan issues also will be reviewed at staff-level meetings (CTP TAC and/or City Managers TAC), as appropriate

PPC = red; MPC = blue; MDC = grey; Admin = orange; CRC = green

Month/Date	Committee/Event	Information to be Presented	Desired Direction	SANBAG Staff Activity
March 19	PPC	Update on Measure I revenue forecast	Recommend revised forecast for approval	
April 10	MPC	1) Payback options for Project Advancement Agreements	Comment on (not approval of) PAA payback options	Develop PAA payback options
April 16	PPC	1) Cost escalation factor and Nexus Study cost update process 2) Strategic Plan schedule and issues to be resolved	Recommend approval of escalation factor and Nexus Study update process	Prepare escalation factor recommendation per March 20 TAC meeting Update schedule
May 7	Board	Escalation factor and Nexus Study update process	Approval	Agenda item
May 8	Letter to City Managers	Request to City Managers for Nexus Study project cost update		Prepare letter
May 15	MPC	1) Resolution of Major Street program approach 2) Results of analysis of initial cash flow scenarios	1) Conceptual approval Major Street program approach 2) Identification of additional scenarios	Reassessment of project costs and schedule Estimate bonding capacity ID strategies for assigning state/fed \$
May 21	PPC	Strategic Plan Update	Information	Agenda item
June 11	Admin	Strategic Plan Update and Borrowing Principles	Discussion Only	Develop draft principles for borrowing against Measure I revenue
June 12	MPC	1) Financially feasible program alternatives for Valley 2) Additional detail on Major Street and Interchange programs 3) Valley interchange prioritization criteria?	1) Suggest additional alternative(s) 2) Conceptual approval of additional detail 3) Approve criteria, if appropriate	Develop initial financially feasible alternatives Develop additional MS and I/C program detail Develop draft prioritization criteria
June 20	MDC	Draft Project Priorities	Discussion Only	Dependent on Subarea Meetings prior to MDC
July 17	CRC	Draft Strategic Plan Policies for Metrolink/Rail and Express Bus/BRT	Discussion Only	Draft the policies
August 13	Admin	Draft Strategic Plan Financial Policies	Discussion Only	Draft the policies

PPC = red; MPC = blue; MDC = grey; Admin = orange; CRC = green

Month/Date	Committee/ Event	Information to be Presented	Desired Direction	SANBAG Staff Activity
August 14	MPC	Draft Strategic Plan Policies for Valley	Discussion only	Draft the policies
August 15	MDC	Draft Strategic Plan Policies for Mtn/Desert	Discussion Only	Draft the policies
August 20	PPC	Draft Strategic Plan Policies Overview	Discussion Only	Draft the policies
September	All Committees	Further discussion of Strategic Plan Policies	Suggested modification of policies	Possible analysis of Valley freeway and interchange priorities
September 17	PPC	Update of the Nexus Study	Recommend approval	Update Nexus Study cost estimates through summer
October 1	Board	Update of the Nexus Study	Approval	
October 8	Admin	Discussion of resources to support Measure 1 2010- 2040 Implementation	Discussion of resource needs	Assessment of staff financial. and tracking system needs
October	All Committees	Final Strategic Plan Policies	Recommendation for approval of policies	
November	Board	Final Strategic Plan Policies	Approval	
November	All Committees	Presentation of Draft Strategic Plan	Presentation and Discussion	Prepare Draft Strategic Plan (start in August)
December 3	Board	Overview of Strategic Plan status	Discussion	
January 2009	Board workshop	Detailed discussion of Draft Strategic Plan	Discussion	
February	All Committees	Review of Final Draft Strategic Plan		Prepare Final Draft Strategic Plan
March	All Committees	Consider Approval of Final Strategic Plan	Recommend approval	
April 1	Board	Approval of Strategic Plan	Approve	
Ongoing	Follow-on Activities			Implement systems; develop staff resources

ATTACHMENT 2
Measure I 2010-2040 Strategic Plan – Issue Resolution Status
(Working List, April 10, 2008)

<u>Program/Issue</u>	<u>Status of Resolution</u>	<u>Potential Resolution Date</u>
Overarching Issues		
Perform annual cash flow analysis	Resolved	
Allow inter-program borrowing, but with commitment to percent distributions in Measure I Expenditure Plan	Resolved	
Allocation strategies for state/federal funding to optimize project delivery	Unresolved	Nov. 2008
Basis of escalation factors in time-value of money calculations for subarea and program equity purposes	Unresolved	June 2008
Cajon Pass Program		
Project Eligibility (universe of projects on which Measure I funds can be expended)	Unresolved	Nov. 2008
Role of user-based financing in overall program delivery	Unresolved	Nov. 2008
Methods of project delivery (pay-as-you-go, bonding, design build etc)	Unresolved	Nov. 2008
Coordination with Valley Freeway Program and Victor Valley Major Local Highways Program	Unresolved	Nov. 2008
Allocation strategies for state/federal funding	Unresolved	Nov. 2008
Valley Freeway		
How should project delivery be phased (readiness? system sequencing?)	Unresolved	Nov. 2008
Role of user-based financing in overall program delivery	Unresolved	Nov. 2008
Methods of project delivery (pay-as-you-go, bonding, design build etc)	Unresolved	Nov. 2008
Bi-County project delivery (I-10, I-15, I-215, etc.)	Unresolved	Apr. 2009
Valley Metrolink/Rail		
How should project delivery be phased?	Unresolved	Nov. 2008
Role of transit supportive local land use policies in project prioritization	Unresolved	Nov. 2008
Methods of project delivery (pay-as-you-go, bonding, design build etc)	Unresolved	Nov. 2008

<u>Program/Issue</u>	<u>Status of Resolution</u>	<u>Potential Resolution Date</u>
Valley Interchange		
Perform 5-year needs survey, updated annually	Resolved	
Allocate I/C program funds by interchange, not by jurisdiction	Resolved	
Prioritize interchanges that impact delivery of fwy. mainline projects	Resolved	
Whether and how to prioritize interchanges beyond those required for freeway mainline projects	Unresolved	Nov. 2008
Administer as a reimbursement program	Resolved	
Specific terms of timely reimbursement	Unresolved	June 2008
Provision of escrow accounts (or similar) for large expenditures	Unresolved	June 2008
Require that all phases meet minimum fair share requirement	Resolved	
Allow for transaction of loans to cover fair share on an exception basis	Resolved	
Criteria for defining exceptions/limitations for which loans may be granted	Unresolved	June 2008
Repayment terms for loans covering fair shares	Unresolved	June 2008
Criteria for SANBAG management of interchange projects	Unresolved	June 2008
Fees to be charged for SANBAG management of interchange projects	Unresolved	June 2008
Level of invoicing detail required for reimbursement	Unresolved	June 2008
Handling of cost overruns	Unresolved	June 2008
Valley Major Street		
Perform 5-year needs survey, updated annually	Resolved	
Administer as a needs-based program with protections for geographic equity, rather than a formula-based program	Unresolved	May 2008
Administer as a reimbursement program rather than a pass-through program	Unresolved	May 2008
Specific assurances to be provided for continuation of subsequent phases of a project once an initial phase has been funded	Unresolved	June 2008
Locking in equitable share percentages by jurisdiction as the basis for geographic equity	Unresolved	June 2008
Basis of escalation factors in time-value of money calculations for geographic equity purposes	Unresolved	June 2008
Capping mechanisms to be used to protect jurisdiction geographic equity (i.e. how close jurisdictions can come to using 100% of their equitable share prior to the end of the Measure)	Unresolved	June 2008
Criteria for SANBAG management of grade separation projects (assume no SANBAG management of arterial projects)	Unresolved	June 2008
Level of invoicing detail required for reimbursement	Unresolved	June 2008
Handling of cost overruns	Unresolved	June 2008
Documentation required for repayment of internal loans	Unresolved	June 2008
Clarification of how state/federal funds acquired by local jurisdictions will be considered in fair share calculations	Partially resolved	June 2008

<u>Program/Issue</u>	<u>Status of Resolution</u>	<u>Potential Resolution Date</u>
Project Advancement Agreements		
Repayment schedule for existing advancement agreements (PAA)	Unresolved	
Broadening eligibility for project advancement agreements	Unresolved	May 2008
Allowing pre-agreement expenditures to be reimbursed as part of PAA	Unresolved	May 2008
Extent to which borrowing/bonding may be used for repaying PAAs	Unresolved	Nov. 2008
Finance/Borrowing/Resources		
Annual update of Measure I revenue forecast	Resolved	
Programs for which borrowing should be allowed	Unresolved	Nov. 2008
Borrowing capacity	Unresolved	June 2008
Criteria for allocating borrowed funds to programs and projects	Unresolved	Nov. 2008
Charges to be assessed to project proponents for access to borrowed money	Unresolved	Nov. 2008
Ability to put tracking systems in place with substantially expanded invoicing/reimbursement process	Unresolved	Nov. 2008
Staff resources required to support implementation of Measure I 2010-2040	Unresolved	Apr. 2009
Victor Valley Subarea		
Project eligibility, including right-of-way preservation	Resolved	
Geographic equity to be a consideration in allocation of funds	Resolved	
Periodic review and update of expenditure plan revenue and cost estimates	Resolved	
Role of development contributions within and outside of the Nexus Study area	Resolved	
Specifics of minimum fair share requirements	Unresolved	Nov. 2008
Project prioritization	Unresolved	Nov. 2008
Mountain/Desert Subareas		
Project eligibility, including right-of-way preservation	Resolved	
Geographic equity to be a consideration in allocation of funds	Resolved	
Periodic review and update of expenditure plan revenue and cost estimates	Resolved	
Role of development contributions	Resolved	
Project prioritization	Unresolved	Nov. 2008

Minute Action

AGENDA ITEM: 9

Date: April 16, 2008

Subject: Nexus Study Update and Cost Escalation

- Recommendation:***
- 1) Direct staff to prepare an update of the Development Mitigation Nexus Study for approval of the SANBAG Board by November 2008.
 - 2) Direct staff to update the cost estimates for freeway interchanges in the Nexus Study and Measure I 2010-2040 Interchange program.
 - 3) Allow local jurisdictions to select one of two options for complying with Congestion Management Program (CMP) cost escalation requirements for arterial roadways and railroad grade separations in the Nexus Study:
 - a) Implement a 12.9% cost escalation based the rolling 5-Year average of the Caltrans Construction Cost Items Index, or
 - b) Update project cost estimates based on a detailed project-by-project review of individual cost elements and provide the documentation to SANBAG for review and incorporation into the Nexus Study as the basis for escalation.

Background: One of the requirements of the Development Mitigation Program approved by the San Bernardino County Congestion Management Agency (CMA) in November 2005 is an annual update of Nexus Study project costs. Nexus Study project costs are updated in one of two ways. In odd years, during the update of the CMP, a full Nexus Study update is to occur. The most recent full update of the Nexus Study and the CMP occurred in November 2007. In even years, a uniform cost escalation factor is to be applied to all of the arterial, grade separation and interchange projects contained in the Nexus Study. The cost escalation factor is

Approved
Plans and Programs Policy Committee

Date: _____

Moved:

Second:

In Favor:

Opposed:

Abstained:

Witnessed: _____

required by the CMP to be uniform and applied consistently by all jurisdictions subject to the Nexus Study. The uniform cost escalation factor enables jurisdictions to keep pace with cost escalation, while avoiding inequities that could occur among jurisdictions if individual cost escalation factors were allowed to be selected. The overall objective is to provide cost estimates that most reasonably reflect the anticipated costs of each project so that the development mitigation program can be administered fairly and equitably.

Staff initiated the discussion of cost escalation factors for calendar year 2007 at the Comprehensive Transportation Plan Technical Advisory Committee (CTP TAC) meeting held on March 10, 2008 and continued the discussion at a special workshop of the CTP TAC on March 20. The feedback received by SANBAG staff at both meetings was that local jurisdiction staff is more comfortable with the cost estimates included in the Nexus Study for arterial roadways and grade separations, but the local jurisdictions do not have the same level of confidence in the cost estimates for freeway interchanges. Consequently, local jurisdictions recommended that SANBAG staff complete a reanalysis of the project costs included in the Nexus Study for freeway interchanges based on information contained in recent Project Study Report and Project Report documents prepared by local agencies and Caltrans and on further engineering review. Such an update of the interchange project costs requires a more substantial update of the Nexus Study than was anticipated to occur in 2008.

While SANBAG staff can pursue reevaluation of interchange costs, the cost for arterial roadways and grade separations require treatment in the Nexus Study update as well. Some local jurisdictions believe that their arterial and grade separation costs already reflect realistic costs for 2007, without applying an additional escalation factor. Therefore, staff proposes to allow two options for local jurisdictions to update their arterial and grade separation cost estimates. First, jurisdictions could update their arterial and grade separation cost estimates by using the cost escalation factor for calendar year 2007, as described later in this agenda item. Second, local jurisdictions could update their costs based on a detailed project-by-project review. The detailed review could be based on updated planning and project development documents or on more detailed engineering reviews and documentation of updated unit costs. SANBAG staff may also request that costs be specified by phase, to provide clarity with regard to expenditure eligibility for Measure I 2010-2040 purposes. Documentation would need to be provided to SANBAG to substantiate the proposed project costs, and the revised costs would then be included in the Nexus Study. Jurisdictions would also need to provide SANBAG with a letter stating the choice of their approach to arterial and grade separation cost escalation no later than June 30, 2008.

For jurisdictions choosing the first option (update of arterial costs by escalation factor), staff recommends approval of a year 2007 escalation factor of 12.9% for Nexus Study arterial and grade separation projects, based on the five-year rolling average of the Caltrans Construction Cost Items index. The SANBAG Board, acting as the Congestion Management Agency, approved the use of a five-year rolling average of the Caltrans Construction Cost Items Index as the basis for annual cost escalation at its July 5, 2006 meeting. The reason for the use of this factor was to provide local jurisdictions insulation from the volatility of an annualized escalation factor, and was principally in response to the high percentage increase in construction costs that occurred in calendar year 2005 (24.1% compared to 2004). Subsequently, escalation factors of 12.9% and 12.7% have been adopted by the Board for 2005 and 2006.

The Caltrans cost index has recently been updated for calendar year 2007 and shows a 6.9% decrease from 2006. The five-year rolling average for 2007, as indicated above, is 12.9%. This is actually a 0.2% increase from the factor used for 2006, because the first of the five years (2001-2002), with a 7.7% decrease, is being dropped from the five-year average while the decrease of 6.9% for year 2006-2007 is being added. This can be seen in Table 1. The possibility of an increase in the escalation factor in a year when costs were actually decreasing was highlighted when the five-year rolling average was first approved in 2006. In the long run, there will be little difference in the results between applying the rolling average versus applying individual year factors, but there may be significant differences for individual years, as is the case for 2007.

Table 1. Escalation Factors from Caltrans Index

Year	CT Index	Annual	5-yr Avg.
1998	128.6		
1999	139.2	8.2%	
2000	146.2	5.0%	
2001	154.1	5.4%	
2002	142.2	-7.7%	
2003	148.6	4.5%	2.9%
2004	216.2	45.5%	9.2%
2005	268.3	24.1%	12.9%
2006	280.6	4.6%	12.7%
2007	261.1	-6.9%	12.9%

It should be noted that the Building Industry Association (BIA) has communicated several concerns pertaining to the escalation of project costs for this year, particularly in light of the downturn in the development industry. In addition, it was requested that SANBAG encourage its member jurisdictions to allow for the payment of the transportation fee at certificate of occupancy rather than at the issuance of the building permit. In response to the latter issue, SANBAG staff has indicated to the BIA that staff will remind jurisdictions that they have the flexibility within the development mitigation program to collect fees at "building permit issuance, close of escrow, or occupancy permit." In response to the concern over the economic downturn, SANBAG staff is providing flexibility for jurisdictions to review their project costs to ensure that the costs are at levels that reflect the current cost climate. The costing of projects has been accomplished by local jurisdictions, with SANBAG review, since the inception of the program, and this approach provides the flexibility to provide the most current, reasonable costs possible. SANBAG staff recognizes the need to foster economic growth but at the same time provide for the transportation facilities to accommodate that growth, including facilities that the development community expect local jurisdictions to build through their fee programs. Straying too far from the best estimate of actual costs, even for a limited period of time, will place jurisdictions in the difficult position of not being able to build the facilities that are expected.

Financial Impact: This item is consistent with the adopted FY 2007/2008 Budget. TN20308000. The development mitigation program is an essential element of the funding estimates contained in the Expenditure Plan for Measure I 2010-2040.

Reviewed By: This item is scheduled for review by the Plans and Programs Committee on April 16, 2008

Responsible Staff: Ryan Graham, Transportation Planning Analyst
Steve Smith, Chief of Planning

Minute Action

AGENDA ITEM: 10

Date: April 16, 2008

Subject: Amendment to Contribution Agreement with the California Department of Transportation (Caltrans) to provide Congestion Mitigation and Air Quality (CMAQ) Funding

Recommendation:* Approve Amendment 1 to Contract No. 06-032 with Caltrans to extend the termination date of the agreement to contribute CMAQ funds for the Installation of Fiber Optic Communications Lines (FOC), Changeable Message Signs (CMS), Vehicle Detection Stations (VDS), Closed Circuit Television Cameras (CCTV), Ramp Metering Systems (RMS), and Ramp Widening along Interstate 10 (I-10).

Background: This item requests approval of an amendment to Contract No. 06-032 with Caltrans that was approved by the SANBAG Board in November 2005 to extend the termination date of the agreement from June 30, 2008 to June 30, 2009. The original contribution agreement provided for \$1,000,000 in CMAQ funding for the construction phase of improvements along I-10 from west of the I-10/Interstate 215 (I-215) Interchange to east of Wabash Avenue in Redlands and on I-215 from the Riverside/San Bernardino County Line to the I-10/I-215 Interchange. These improvements include FOC, CMS, VDS, CCTV, RMS, and widening of five ramps. The SANBAG Board approved the CMAQ allocation cited in the agreement through a competitive call for projects in August 2001. The funds have already been obligated for this project and deducted from the San Bernardino County CMAQ balance.

*

Approved
Plans and Programs Policy Committee

Date: _____

Moved:

Second:

In Favor:

Opposed:

Abstained:

Witnessed: _____

Plans and Programs Agenda Item
April 16, 2008
Page 2

Financial Impact: This item has no impact on the adopted SANBAG budget.

Reviewed By: This item will be reviewed by the Plans and Programs Policy Committee on April 16, 2008.

Responsible Staff: Andrea Zureick, Chief of Programming
Ty Schuiling, Director of Planning and Programming

SANBAG Contract No. 06-032-01

by and between

San Bernardino Associated Governments

and

Caltrans

for

Congestion Mitigation/Air Quality Funds Contribution to I-10 ITS Project**FOR ACCOUNTING PURPOSES ONLY**

<input type="checkbox"/> Payable	Vendor Contract # <u>08-1280</u>	Retention:	<input type="checkbox"/> Original
<input type="checkbox"/> Receivable	Vendor ID _____	<input type="checkbox"/> Yes ____ % <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Amendment

Notes: This is a contribution agreement of CMAQ funds to Caltrans. No funds flow through SANBAG.

Original Contract: \$ <u>0</u>	Previous Amendments Total: \$ <u>0</u>
Contingency Amount: \$ _____	Previous Amendments Contingency Total: \$ _____
	Current Amendment: \$ <u>0</u>
	Current Amendment Contingency: \$ _____

Contingency Amount requires specific authorization by Task Manager prior to release.

Contract TOTAL → \$ 0

↓ Please include funding allocation for the original contract or the amendment.

Task	Cost Code	Funding Sources	Grant ID	Amounts
_____	_____	_____	_____	\$ _____
_____	_____	_____	_____	\$ _____
_____	_____	_____	_____	\$ _____
_____	_____	_____	_____	\$ _____

Original Board Approved Contract Date: <u>11/2/05</u>	Contract Start: <u>11/2/05</u>	Contract End: <u>6/30/08</u>
New Amend. Approval (Board) Date: <u>5/7/08</u>	Amend. Start: _____	Amend. End: <u>6/30/09</u>

If this is a multi-year contract/amendment, please allocate budget authority among approved budget authority and future fiscal year(s)-unbudgeted obligations:

Approved Budget Authority →	Fiscal Year: _____ \$ _____	Future Fiscal Year(s) – Unbudgeted Obligation →	\$ _____
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Is this consistent with the adopted budget? ☒ Yes ☐ No
If yes, which Task includes budget authority? N/A
If no, has the budget amendment been submitted? ☐ Yes ☐ No

CONTRACT MANAGEMENT**Please mark an "X" next to all that apply:**☒ Intergovernmental ☐ Private ☐ Non-Local ☐ Local ☐ Partly LocalDisadvantaged Business Enterprise: ☐ No ☐ Yes _____ %Task Manager: **Ty Schuiling**Contract Manager: **Andrea Zureick**

Task Manager Signature

Date

Contract Manager Signature

Date

Chief Financial Officer Signature

Date

Filename: A0603201

08-SBd-10-KP 37.00/55.68
08-SBd-215-KP 0.00/6.48
Install FOC, CCTV, VDS, CMS
Ramp Meters, Widen Ramps
08303-EA 384201
District Agreement No. 8-1280 A/1

AMENDMENT NO. 1 TO AGREEMENT NO. 8-1280

This AMENDMENT NO.1 to AGREEMENT NO. 8-1280, entered into effective on _____, 2008, is between the STATE OF CALIFORNIA, acting by and through its Department of Transportation, referred to herein as "STATE," and the

SAN BERNARDINO COUNTY
TRANSPORTATION AUTHORITY, a public
entity, referred to herein as "AUTHORITY."

RECITALS

1. The parties hereto entered into Agreement 8-1280 on January 20, 2006, said Agreement defining the terms and conditions of project to install fiber optic communications lines, changeable message signs, vehicle detection stations, closed circuit television cameras, ramp metering systems and widening of five (5) ramps along Interstate 10 (I-10) from west of the I-10/I-215 Interchange to east of Wabash Avenue in Redlands and on Interstate 215 (I-215) from Riverside/San Bernardino County Line to the I-10/I-215 Interchange, referred to herein as "PROJECT."
2. It has been determined that the current Construction Contract Acceptance date for PROJECT will extend beyond the termination date of said Agreement.

IT IS THEREFORE MUTUALLY AGREED:

1. SECTION III, "IT IS MUTUALLY AGREED," Article (4) of the original Agreement is replaced in its entirety to read as follows:

"This Agreement shall terminate upon completion of PROJECT or on June 30, 2009, whichever is earlier in time."

2. All other terms and conditions of said Agreement No. 8-1280 shall remain in full force and effect.
3. This Amendment No. 1 to Agreement 1280 is hereby deemed to be a part of Agreement No. 8-1280.

SIGNATURES ON FOLLOWING PAGE:

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

SAN BERNARDINO COUNTY
TRANSPORTATION AUTHORITY

WILL KEMPTON
Director

By: _____
LAWRENCE E. DALE
President

By: _____
MICHAEL A. PEROVICH
District Director

Attest: _____
VICKI WATSON
Secretary

APPROVED AS TO FORM AND
PROCEDURE:

APPROVED AS TO FORM AND
PROCEDURE:

By: _____
Attorney,
Department of Transportation

By: _____
JEAN-RENE BASLE
SANBAG Counsel

CERTIFIED AS TO FUNDS:

By: _____
District Budget Manager

CERTIFIED AS TO FINANCIAL
TERMS AND POLICIES:

By: _____
Accounting Administrator

SANBAG Acronym List

1 of 2

AB	Assembly Bill
ACE	Alameda Corridor East
ACT	Association for Commuter Transportation
ADA	Americans with Disabilities Act
APTA	American Public Transportation Association
AQMP	Air Quality Management Plan
ATMIS	Advanced Transportation Management Information Systems
BAT	Barstow Area Transit
CAC	Call Answering Center
CALACT	California Association for Coordination Transportation
CALCOG	California Association of Councils of Governments
CALSAFE	California Committee for Service Authorities for Freeway Emergencies
CALTRANS	California Department of Transportation
CARB	California Air Resources Board
CEQA	California Environmental Quality Act
CHP	California Highway Patrol
CMAQ	Congestion Mitigation and Air Quality
CMP	Congestion Management Program
CNG	Compressed Natural Gas
COG	Council of Governments
CSAC	California State Association of Counties
CTA	California Transit Association
CTAA	Community Transportation Association of America
CTC	California Transportation Commission
CTC	County Transportation Commission
CTP	Comprehensive Transportation Plan
DMO	Data Management Office
DOT	Department of Transportation
E&H	Elderly and Handicapped
EIR	Environmental Impact Report
EIS	Environmental Impact Statement
EPA	United States Environmental Protection Agency
ETC	Employee Transportation Coordinator
FEIS	Final Environmental Impact Statement
FHWA	Federal Highway Administration
FSP	Freeway Service Patrol
FTA	Federal Transit Administration
FTIP	Federal Transportation Improvement Program
GFOA	Government Finance Officers Association
GIS	Geographic Information Systems
HOV	High-Occupancy Vehicle
ICMA	International City/County Management Association
ICTC	Interstate Clean Transportation Corridor
IEEP	Inland Empire Economic Partnership
ISTEA	Intermodal Surface Transportation Efficiency Act of 1991
IIP/ITIP	Interregional Transportation Improvement Program
ITS	Intelligent Transportation Systems
IVDA	Inland Valley Development Agency
JARC	Job Access Reverse Commute
LACMTA	Los Angeles County Metropolitan Transportation Authority
LNG	Liquefied Natural Gas
LTF	Local Transportation Funds
MAGLEV	Magnetic Levitation
MARTA	Mountain Area Regional Transportation Authority
MBTA	Morongo Basin Transit Authority
MDAB	Mojave Desert Air Basin
MDAQMD	Mojave Desert Air Quality Management District
MIS	Major Investment Study
MOU	Memorandum of Understanding

SANBAG Acronym List

2 of 2

MPO	Metropolitan Planning Organization
MSRC	Mobile Source Air Pollution Reduction Review Committee
MTP	Metropolitan Transportation Plan
NAT	Needles Area Transit
OA	Obligation Authority
OCTA	Orange County Transportation Authority
OWP	Overall Work Program
PA&ED	Project Approval and Environmental Document
PASTACC	Public and Specialized Transportation Advisory and Coordinating Council
PDT	Project Development Team
PPM	Planning, Programming and Monitoring Funds
PSR	Project Study Report
PTA	Public Transportation Account
PVEA	Petroleum Violation Escrow Account
RCTC	Riverside County Transportation Commission
RDA	Redevelopment Agency
RFP	Request for Proposal
RIP	Regional Improvement Program
ROD	Record of Decision
RTAC	Regional Transportation Agencies' Coalition
RTIP	Regional Transportation Improvement Program
RTP	Regional Transportation Plan
RTPA	Regional Transportation Planning Agencies
SB	Senate Bill
SAFE	Service Authority for Freeway Emergencies
SANBAG	San Bernardino Associated Governments
SCAB	South Coast Air Basin
SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District
SCRRA	Southern California Regional Rail Authority
SED	Socioeconomic Data
SHA	State Highway Account
SHOPP	State Highway Operations and Protection Program
SOV	Single-Occupant Vehicle
SRTP	Short Range Transit Plan
STAF	State Transit Assistance Funds
STIP	State Transportation Improvement Program
STP	Surface Transportation Program
TAC	Technical Advisory Committee
TCM	Transportation Control Measure
TCRP	Traffic Congestion Relief Program
TDA	Transportation Development Act
TEA	Transportation Enhancement Activities
TEA-21	Transportation Equity Act for the 21 st Century
TIA	Traffic Impact Analysis
TMC	Transportation Management Center
TME	Traffic Management and Environmental Enhancement
TOC	Traffic Operations Center
TOPRS	Transit Operator Performance Reporting System
TSM	Transportation Systems Management
USFWS	United States Fish and Wildlife Service
UZAs	Urbanized Areas
VCTC	Ventura County Transportation Commission
VTA	Victor Valley Transit Authority
WRCOG	Western Riverside Council of Governments

San Bernardino Associated Governments



MISSION STATEMENT

To enhance the quality of life for all residents, San Bernardino Associated Governments (SANBAG) will:

- Improve cooperative regional planning
- Develop an accessible, efficient, multi-modal transportation system
- Strengthen economic development efforts
- Exert leadership in creative problem solving

To successfully accomplish this mission, SANBAG will foster enhanced relationships among all of its stakeholders while adding to the value of local governments.

Approved June 2, 1993
Reaffirmed March 6, 1996